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Attorney for Plaintiff
JOANNE GRAFF

Filed

AUG 27 2007

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

JOANNE GRAFF,

Plaintiff,

v.

ARS NATIONAL SERVICES, INC., D/B/A
ASSOCIATED RECOVERY SYSTEMS, a
California corporation, and JASON A.
HOWERTON, individually and in his official
capacity,

Defendants.

Case No. **C07 04406 HRL**
COMPLAINT

DEMAND FOR JURY TRIAL

15 United States Code § 1692 *et seq.*
California Civil Code § 1788 *et seq.*

Plaintiff, JOANNE GRAFF (hereinafter "Plaintiff"), based on information and belief and investigation of counsel, except for those allegations which pertain to the named Plaintiff or her attorneys (which are alleged on personal knowledge), hereby makes the following allegations:

I. INTRODUCTION

1. This is an action for statutory damages, attorney fees and costs brought by an individual consumer for Defendants' violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, *et seq.* (hereinafter "FDCPA"), and the Rosenthal Fair Debt Collection Practices Act, California Civil Code § 1788 *et seq.* (hereinafter "RFDCPA") which prohibit debt collectors from engaging in abusive, deceptive and unfair practices.

II. JURISDICTION

2. Jurisdiction of this Court arises under 15 U.S.C. § 1692k(d), 28 U.S.C. §

1 1337, and supplemental jurisdiction exists for the state law claims pursuant to 28 U.S.C. § 1367.
2 Declaratory relief is available pursuant to 28 U.S.C. §§ 2201 and 2202.

3 3. This action arises out of Defendants' violations of the Fair Debt Collection
4 Practices Act, 15 U.S.C. § 1692 *et seq.* ("FDCPA").

5 III. VENUE

6 4. Venue in this judicial district is proper pursuant to 28 U.S.C. § 1391(b), in
7 that a substantial part of the events or omissions giving rise to the claim occurred in this judicial
8 district. Venue is also proper in this judicial district pursuant to 15 U.S.C. § 1692k(d), in that the
9 Defendants transact business in this judicial district and the violations of the FDCPA complained
10 of occurred in this judicial district.

11 IV. INTRADISTRICT ASSIGNMENT

12 5. This lawsuit should be assigned to the San Jose Division of this Court because
13 a substantial part of the events or omissions which gave rise to this lawsuit occurred in Santa Clara
14 County.

15 V. PARTIES

16 6. Plaintiff, JOANNE GRAFF (hereinafter "Plaintiff"), is a natural person
17 residing in Santa Clara County, California. Plaintiff is a "consumer" within the meaning of 15
18 U.S.C. § 1692a(3) and a "debtor" within the meaning of Cal. Civil Code § 1788.2(h).

19 7. Defendant, ARS NATIONAL SERVICES, INC., D/B/A ASSOCIATED
20 RECOVERY SYSTEMS (hereinafter "ARS"), is a California corporation engaged in the business
21 of collecting debts in this state with its principal place of business located at: 201 West Grand
22 Avenue, Escondido, San Diego County, California 92025-2603. ARS may be served as follows:
23 ARS National Services, Inc., c/o Kathy Howerton, Agent for Service of Process, 201 West Grand
24 Avenue, Escondido, San Diego County, California 92025-2603. The principal business of ARS is
25 the collection of debts using the mails and telephone, and ARS regularly attempts to collect debts
26 alleged to be due another. ARS is a "debt collector" within the meaning of 15 U.S.C. § 1692a(6)
27 and Cal. Civil Code § 1788.2(c).

28 8. Defendant, JASON A. HOWERTON (hereinafter "HOWERTON"), is a

1 natural person and is or was an employee, agent, officer and/or director of ARS at all relevant times.
2 HOWERTON may be served at his current business address at: Jason A. Howerton, ARS National
3 Services, Inc., 201 West Grand Avenue, Escondido, San Diego County, California 92025-2603 and
4 at his residence address at: Jason A. Howerton, 2114 Via Tiempo, Cardiff by the Sea, San Diego
5 County, California 92007-1208. HOWERTON is a "debt collector" within the meaning of 15
6 U.S.C. § 1692a(6) and Cal. Civil Code § 1788.2(c). Plaintiff is informed and believes, and thereon
7 alleges that HOWERTON is liable for the acts of ARS because he sets and approves ARS collection
8 policies, practices, procedures and he directed the unlawful activities described herein.

9 9. At all times herein mentioned, each of the Defendants was an officer, director,
10 agent, servant, employee and/or joint venturer of his co-defendants, and each of them, and at all said
11 times, each Defendant was acting in the full course and scope of said office, directorship, agency,
12 service, employment and/or joint venture. Any reference hereafter to "Defendants" without further
13 qualification is meant by Plaintiff to refer to each Defendant, and all of them, named above.

14 VI. FACTUAL ALLEGATIONS

15 10. On a date or dates unknown to Plaintiff, Plaintiff is alleged to have incurred
16 a financial obligation, namely a consumer credit account issued by Direct Merchants Bank and
17 bearing the account number XXXX-XXXX-XXXX-1978 (hereinafter "the alleged debt"). The
18 alleged debt was incurred primarily for personal, family or household purposes and is therefore a
19 "debt" as that term is defined by 15 U.S.C. § 1692a(5) and a "consumer debt" as that term is defined
20 by Cal. Civil Code § 1788.2(f).

21 11. Plaintiff is informed and believes, and thereon alleges that sometime
22 thereafter on a date unknown to Plaintiff, the alleged debt was sold, assigned or otherwise
23 transferred to World Wide Asset Purchasing, LLC.

24 12. Sometime thereafter on a date unknown to Plaintiff, the alleged debt was
25 consigned, placed or otherwise transferred to Defendants for collection from Plaintiff.

26 13. Thereafter, Defendants sent a collection letter (Exhibit "1") to Plaintiff which
27 is a "communication" in an attempt to collect a debt as that term is defined by 15 U.S.C. § 1692a(2).

28 14. A true and accurate copy of the collection letter from Defendant to Plaintiff

1 is attached hereto, marked Exhibit "1," and by this reference is incorporated herein.

2 15. The collection letter (Exhibit "1") is dated January 19, 2007.

3 16. The collection letter (Exhibit "1") was Defendants' first written notice
4 initially addressed to Plaintiff in connection with collecting the alleged debt.

5 17. On or about January 19, 2007, an employee of Defendants recorded the
6 following message on Plaintiff's answering machine:

7 Ms. Graff, this is Jerome. I do need to give you 24 hours to return my phone call.
8 I have very important business information in my office that I do need to discuss
9 with you. It's a very time sensitive matter. The telephone number is 888-238-8232,
extension 2598. Do me a favor. Do yourself a favor. Call me with your reference
number, 11646034.

10 18. Defendants' answering machine message was a "communication" in an
11 attempt to collect a debt as that term is defined by 15 U.S.C. § 1692a(2).

12 19. Defendants failed to disclose Defendants' identity and the nature of
13 Defendants' business in the answering machine message, in violation of 15 U.S.C. § 1692d(6) and
14 Cal. Civil Code § 1788.11(b). See *Hosseinzadeh v. M.R.S. Associates, Inc.*, 387 F. Supp. 2d 1104,
15 1112, 1118 (C.D. Cal. 2005).

16 20. Defendants failed to disclose that the answering machine message was a
17 communication from a debt collector, in violation of 15 U.S.C. § 1692e(11). See *Hosseinzadeh*
18 *v. M.R.S. Associates, Inc.*, 387 F. Supp. 2d 1104, 1116 (C.D. CA 2005); *Foti v. NCO Financial*
19 *Systems, Inc.*, 424 F. Supp. 2d 643, 669 (S.D.N.Y. 2006).

20 21. On or about February 15, 2007, Plaintiff mailed a letter to Defendants which
21 stated: "please be advised that I dispute this debt and refuse to pay."

22 22. A true and accurate copy of the Plaintiff's letter disputing the debt and
23 refusing to pay the debt is attached hereto, marked Exhibit "2," and by this reference is incorporated
24 herein.

25 23. Defendants received Plaintiff's letter disputing the debt and refusing to pay
26 the debt (Exhibit "2") on or about February 17, 2007.

27 24. A true and accurate copy of the USPS Tracking Report and Certified Mail
28 Return Receipt evidencing Defendants' receipt of Plaintiff's letter disputing the debt and refusing

1 to pay the debt (Exhibit "2") is attached hereto, marked Exhibit "3," and by this reference is
2 incorporated herein.

3 25. After receiving Plaintiff's letter disputing the debt (Exhibit "2"), Defendants
4 continued their collection efforts without first obtaining and mailing Plaintiff a validation of the debt
5 being collected.

6 26. After receiving Plaintiff's letter notifying Defendants of her refusal to pay the
7 debt (Exhibit "2"), Defendants continued to communicate with the Plaintiff in an attempt to collect
8 the alleged debt.

9 27. Thereafter, Defendants sent a second collection letter (Exhibit "4") to Plaintiff
10 which is a "communication" in an attempt to collect a debt as that term is defined by 15 U.S.C. §
11 1692a(2).

12 28. A true and accurate copy of the second collection letter from Defendants to
13 Plaintiff is attached hereto, marked Exhibit "4," and by this reference is incorporated herein.

14 29. The second collection letter (Exhibit "4") is dated February 20, 2007.

15 30. Plaintiff received the envelope containing the second collection letter (Exhibit
16 "4") from Defendants on or after February 22, 2007.

17 VII. CLAIMS

18 FAIR DEBT COLLECTION PRACTICES ACT

19 31. Plaintiff brings the first claim for relief against Defendants under the Federal
20 Fair Debt Collection Practices Act ("FDCPA"), 15 U.S.C. § 1692 *et seq.*

21 32. Plaintiff repeats, realleges, and incorporates by reference paragraphs 1
22 through 30 above.

23 33. Plaintiff is a "consumer" as that term is defined by the FDCPA, 15 U.S.C. §
24 1692a(3).

25 34. Defendant, ARS, is a "debt collector" as that term is defined by the FDCPA,
26 15 U.S.C. § 1692a(6).

27 35. Defendant, HOWERTON, is a "debt collector" as that term is defined by the
28 FDCPA, 15 U.S.C. § 1692a(6).

1 36. The financial obligation allegedly owed by Plaintiff is a “debt” as that term
2 is defined by the FDCPA, 15 U.S.C. § 1692a(5).

3 37. Defendants’ answering machine message described above violates the
4 FDCPA. The violations include, but are not limited to, the following:

- 5 a. Defendants failed to disclose Defendants’ identity and the nature of
6 Defendants’ business, in violation of 15 U.S.C. § 1692d(6); and
7 b. Defendants failed to disclose that the communication was from a debt
8 collector, in violation of 15 U.S.C. § 1692e(11).

9 38. Defendants have further violated the FDCPA in the following respects:

- 10 a. Defendants continued to communicate with Plaintiff in an attempt to
11 collect the alleged debt after receiving a written notification that
12 Plaintiff refused to pay the debt being collected, in violation of 15
13 U.S.C. § 1692c(c); and
14 b. Defendants continued their collection efforts against Plaintiff after
15 receiving a written notification within the thirty-day validation period
16 from Plaintiff disputing the debt being collected in its entirety
17 without first obtaining a verification of the debt and mailing a copy
18 of such verification to the Plaintiff, in violation of 15 U.S.C. §
19 1692g(b)

20 39. Defendants’ act as described above was done intentionally with the purpose
21 of coercing Plaintiff to pay the alleged debt.

22 40. As a result of Defendants’ violations of the FDCPA, Plaintiff is entitled to an
23 award of statutory damages, costs and reasonable attorneys fees, pursuant to 15 U.S.C. § 1692k.

24 **ROSENTHAL FAIR DEBT COLLECTION PRACTICES ACT**

25 41. Plaintiff brings the second claim for relief against Defendants under the
26 Rosenthal Fair Debt Collection Practices Act (“RFDCPA”), California Civil Code §§ 1788-1788.33.

27 42. Plaintiff repeats, realleges, and incorporates by reference paragraphs 1
28 through 40 above.

1 43. Plaintiff is a "debtor" as that term is defined by the RFDCPA, Cal. Civil Code
2 § 1788.2(h).

3 44. Defendant, ARS, is a "debt collector" as that term is defined by the RFDCPA,
4 Cal. Civil Code § 1788.2(c).

5 45. Defendant, HOWERTON, is a "debt collector" as that term is defined by the
6 RFDCPA, Cal. Civil Code § 1788.2(c).

7 46. The financial obligation allegedly owed by Plaintiff is a "consumer debt" as
8 that term is defined by the RFDCPA, Cal. Civil Code § 1788.2(f).

9 47. Defendants' answering machine message described above violates the
10 RFDCPA. The violations include, but are not limited to, the following:

11 a. Defendants failed to disclose Defendants' identity and the nature of
12 Defendants' business, in violation of 15 U.S.C. § 1692d(6), as
13 incorporated by Cal. Civil Code § 1788.17 and Cal. Civil Code §
14 1788.11(b); and

15 b. Defendants failed to disclose that the communication was from a debt
16 collector, in violation of 15 U.S.C. § 1692e(11), as incorporated by
17 Cal. Civil Code § 1788.17.

18 48. Defendants have further violated the RFDCPA in the following respects:

19 a. Defendants continued to communicate with Plaintiff in an attempt to
20 collect the alleged debt after receiving a written notification that
21 Plaintiff refused to pay the debt being collected, in violation of 15
22 U.S.C. § 1692c(c), as incorporated by Cal. Civil Code § 1788.17; and

23 b. Defendants continued their collection efforts against Plaintiff after
24 receiving a written notification within the thirty-day validation period
25 from Plaintiff disputing the debt being collected in its entirety
26 without first obtaining a verification of the debt and mailing a copy
27 of such verification to the Plaintiff, in violation of 15 U.S.C. §
28 1692g(b), as incorporated by Cal. Civil Code § 1788.17.

49. Defendants' act as described above was done willfully and knowingly with the purpose of coercing Plaintiff to pay the alleged debt, within the meaning of Cal. Civil Code § 1788.30(b).

50. As a result of Defendants' willful and knowing violations of the RFDCPA, Plaintiff is entitled to an award of a statutory penalty in an amount not less than one hundred dollars (\$100) nor greater than one thousand dollars (\$1,000), pursuant to Cal. Civil Code § 1788.30(b).

51. As a result of Defendants' violations of the RFDCPA, Plaintiff is entitled to an award of statutory damages pursuant to 15 U.S.C. § 1692k(a)(2)(A), as incorporated by Cal. Civil Code § 1788.17.

52. As a result of Defendant's violations of the RFDCPA, Plaintiff is entitled to an award of her reasonable attorney's fees and costs pursuant to Cal. Civil Code § 1788.30(c) and 15 U.S.C. § 1692k(a)(3), as incorporated by Cal. Civil Code § 1788.17.

53. Pursuant to Cal. Civil Code § 1788.32, the remedies provided under the RFDCPA are intended to be cumulative and in addition to any other procedures, rights or remedies that the Plaintiff may have under any other provision of law.

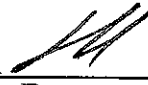
VIII. REQUEST FOR RELIEF

The Plaintiff requests that this Court:

- a. Assume jurisdiction in this proceeding;
- b. Declare that Defendants' answering machine message violated the Fair Debt Collection Practices Act, 15 U.S.C. §§ 1692d(6) and 1692e(11);
- c. Declare that Defendants' violated the Fair Debt Collection Practices Act, 15 U.S.C. §§ 1692c(c) and 1692g(b);
- d. Declare that Defendants' answering machine message violated the Rosenthal Fair Debt Collection Practices Act, Cal. Civil Code §§ 1788.11(b) and 1788.17;
- e. Declare that Defendants' violated the Rosenthal Fair Debt Collection Practices Act, Cal. Civil Code § 1788.17;
- f. Award Plaintiff statutory damages in an amount not exceeding \$1,000 pursuant to 15 U.S.C. § 1692k(a)(2)(A);


- 1 g. Award Plaintiff a statutory penalty in an amount not less than \$100 nor greater than
2 \$1,000 pursuant to Cal. Civil Code § 1788.30(b);
3 h. Award Plaintiff statutory damages in an amount not exceeding \$1,000 pursuant to
4 15 U.S.C. § 1692k(a)(2)(A), as incorporated by Cal. Civil Code §1788.17;
5 i. Award Plaintiff the costs of this action and reasonable attorneys fees pursuant to 15
6 U.S.C. § 1692k(a)(3) and Cal. Civil Code §§ 1788.17 and 1788.30(c); and
7 j. Award Plaintiff such other and further relief as may be just and proper.
8

9 CONSUMER LAW CENTER, INC.

10 By: /s/ Fred W. Schwinn 
11 Fred W. Schwinn, Esq.
12 Attorney for Plaintiff
13 JOANNE GRAFF


14 **CERTIFICATION PURSUANT TO CIVIL L.R. 3-16**

15 Pursuant to Civil L.R. 3-16, the undersigned certifies that as of this date, other than the
16 named parties, there is no such interest to report.

17 /s/ Fred W. Schwinn 
18 Fred W. Schwinn, Esq.

19 **DEMAND FOR JURY TRIAL**

20 PLEASE TAKE NOTICE that Plaintiff, JOANNE GRAFF, hereby demands a trial by jury
21 of all triable issues of fact in the above-captioned case.

22 /s/ Fred W. Schwinn 
23 Fred W. Schwinn, Esq.
24
25
26
27
28

Department # 5996

P.O. Box 1259

Oaks, PA 19456

**ASSOCIATED RECOVERY SYSTEMS**
A DIVISION OF ARS NATIONAL SERVICES, INC.

P.O. BOX 469046

ESCONDIDO, CA 92046-9046

(866) 274-3043 FAX: (866) 422-0765

www.PayARS.com

January 19, 2007

7259 - 4233

JOANNE GRAFF

210 EL CARMELO AVE

PALO ALTO CA 94306-2377

**ACCOUNT IDENTIFICATION**

—Re: WORLD WIDE ASSET PURCHASING LLC

Account: 5458001658471978

ARS Acct No: 11646034

Balance: \$2610.48

Dear Sir/Madam:

Please be advised that the above-referenced account has been placed with Associated Recovery Systems for collection.

To discuss payment, contact this office at (866) 274-3043, Monday through Friday, 6:30 a.m. - 8:00 p.m (Mountain Time).

Unless you notify this office within 30 days after receiving this notice that you dispute the validity of this debt or any portion thereof, this office will assume this debt is valid. If you notify this office in writing within 30 days from receiving this notice, this office will: obtain verification of the debt or obtain a copy of a judgment and mail you a copy of such judgment or verification. If you request of this office in writing within 30 days after receiving this notice, this office will provide you with the name and address of the original creditor, if different from the current creditor.

Sincerely,

Thurnell Howell
Account Representative**EXHIBIT**1**THIS COMMUNICATION IS FROM A DEBT COLLECTOR. THIS IS AN ATTEMPT TO COLLECT A DEBT. ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.**

(SEE REVERSE SIDE FOR IMPORTANT INFORMATION)

Detach And Return With Payment

100 - 11646034

Account: 5458001658471978

Print address/phone changes below
or call (866) 274-3043.

Amount Enclosed: \$ _____

HOME: () _____

WORK: () _____

Enclosing this coupon with your payment will expedite credit to your account.

Make your check or money order payable to:

NOTICE OF ELECTRONIC CHECK PROCESSING:

We reserve the right to process checks electronically by transmitting the routing, account, and check number to the bank. By submitting a check, you authorize us to initiate an electronic debit from your account. A returned check may be collected electronically if it is returned for insufficient funds.

ASSOCIATED RECOVERY SYSTEMS
PO BOX 469047
ESCONDIDO, CA 92046-9047


IF YOU LIVE IN CALIFORNIA THIS APPLIES TO YOU

The state Rosenthal Fair Debt Collection Practices Act and the federal Fair Debt Collection Practices Act require that, except under unusual circumstances, collectors may not contact you before 8 a.m. or after 9 p.m. They may not harass you by using threats of violence or arrest or by using obscene language. Collectors may not use false or misleading statements or call you at work if they know or have reason to know that you may not receive personal calls at work. For the most part, collectors may not tell another person, other than your attorney or spouse, about your debt. Collectors may contact another person to confirm your location or enforce a judgment. For more information about debt collection activities, you may contact the Federal Trade Commission at 1-877-FTC-HELP or www.ftc.gov.

IF YOU LIVE IN COLORADO THIS APPLIES TO YOU

FOR INFORMATION ABOUT THE COLORADO FAIR DEBT COLLECTION PRACTICES ACT, SEE WWW.AGO.STATE.CO.US/CADC/CADCMAN.CFM

IF YOU LIVE IN MASSACHUSETTS THIS APPLIES TO YOU

Massachusetts address: 411 Waverly Oaks Road, Waltham, MA 02454

NOTICE OF IMPORTANT RIGHTS: YOU HAVE THE RIGHT TO MAKE A WRITTEN OR ORAL REQUEST THAT TELEPHONE CALLS REGARDING YOUR DEBT NOT BE MADE TO YOU AT YOUR PLACE OF EMPLOYMENT. ANY SUCH ORAL REQUEST WILL BE VALID FOR ONLY TEN DAYS UNLESS YOU PROVIDE WRITTEN CONFIRMATION OF THE REQUEST POSTMARKED OR DELIVERED WITHIN SEVEN DAYS OF SUCH REQUEST. YOU MAY TERMINATE THIS REQUEST BY WRITING TO THE DEBT COLLECTION AGENCY.

IF YOU LIVE IN MINNESOTA THIS APPLIES TO YOU

THIS COLLECTION AGENCY IS LICENSED BY THE MINNESOTA DEPARTMENT OF COMMERCE.

IF YOU LIVE IN NEW YORK THIS APPLIES TO YOU

New York City Department of Consumer Affairs License number 1020790

IF YOU LIVE IN TENNESSEE THIS APPLIES TO YOU

This collection agency is licensed by the Collection Service Board of the Department of Commerce and Insurance. [500 James Robertson Parkway, Nashville Tennessee 37243]

IF YOU LIVE IN WASHINGTON THIS APPLIES TO YOU

ARS National Services, Inc, 201 W. Grand Ave., Escondido, CA 92025, License #601 722 831.

IF YOU LIVE IN NORTH CAROLINA THIS APPLIES TO YOU

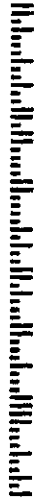
ARS National Services Inc., 201 West Grand Ave., Escondido CA 92025, Permit #'s 4234, 4235, 4236, 4237

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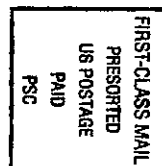


7259 - 4233

JOANNE GRAFF
210 EL CARMELO AVE
PALO ALTO CA 94306-2377



FIRST-CLASS



REFUSE TO PAY LETTER**ASSOCIATED RECOVERY SYSTEMS**

Collection Agency's Name

P.O. BOX 469047

Collection Agency's Address

ESCONDIDO, CA 92046-9047**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**2/15/07

Today's Date

7006 0100 0003 3035 0389

Tracking Number

Re: Account No. 5458001658471978

Dear Sir or Madam:

I have enclosed a copy of the last collection letter that you sent to me.

In this regard, please be advised that I dispute this debt and refuse to pay.

PLEASE MARK YOUR FILES ACCORDINGLY.

Trusting in your good offices, I remain . . .

Very Truly Yours,

Anne Graff

Sign your name here

JO ANNE GRAFF

Print your name here

210 EL CARMEL AVENUE

Print your address here

PALO ALTO, CA 94306

U.S. Postal Service™	
CERTIFIED MAIL™ RECEIPT	
(Domestic Mail Only; No Insurance Coverage Provided)	
For delivery information visit our website at www.usps.com	
OFFICIAL USE	
Postage	\$ 0.39
Certified Fee	\$ 2.40
Return Receipt Fee (Endorsement Required)	\$ 1.85
Restricted Delivery Fee (Endorsement Required)	\$ 0.00
Total Postage & Fees	\$ 4.64
Sent To ASSOCIATED RECOVERY SYSTEMS	
Street, Apt. No. or PO Box No. P.O. BOX 469047	
City, State, ZIP+4 ESCONDIDO, CA 92046-9047	
PS Form 3800, June 2002 See Reverse for Instructions	

EXHIBIT2

Department # 5996

P.O. Box 1259

Oaks, PA 19456

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Account Representative

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(SEE REVERSE SIDE FOR IMPORTANT INFORMATION)

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100 - 11646034

Account: 5458001658471978

Print address/phone changes below
or call (866) 274-3043.

Amount Enclosed: \$ _____

HOME: () _____

WORK: () _____

Enclosing this coupon with your payment will expedite credit to your account.

NOTICE OF ELECTRONIC CHECK PROCESSING:

We reserve the right to process checks electronically by transmitting the routing, account, and check number to the bank. By submitting a check, you authorize us to initiate an electronic debit from your account. A returned check may be collected electronically if it is returned for insufficient funds.

Make your check or money order payable to:

ASSOCIATED RECOVERY SYSTEMS

PO BOX 469047

ESCONDIDO, CA 92046-9047



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IF YOU LIVE IN WASHINGTON THIS APPLIES TO YOU

ARS National Services, Inc, 201 W. Grand Ave., Escondido, CA 92025, License #601 722 831.

IF YOU LIVE IN NORTH CAROLINA THIS APPLIES TO YOU

ARS National Services Inc., 201 West Grand Ave., Escondido CA 92025, Permit #'s 4234, 4235, 4236, 4237



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Search Results

Label/Receipt Number: 7006 0100 0003 3035 0389

Detailed Results:

- Delivered, February 17, 2007, 9:32 am, ESCONDIDO, CA 92046
- Acceptance, February 15, 2007, 3:45 pm, PALO ALTO, CA 94306

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SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

ASSOCIATED RECOVERY
SYSTEMS
P.O. BOX 469047
ESCONDIDO, CA 92046-
9047

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *J. Leggo*

☒ Agent

☐ Addressee

B. Received by (Printed Name)

J. Leggo

C. Date of Delivery

2-17-07

D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail

☐ Express Mail

☐ Registered

☒ Return Receipt for Merchandise

☐ Insured Mail

☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number

(Transfer from service label)

7006 0100 0003 3035 0389

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

EXHIBIT

3



ASSOCIATED RECOVERY SYSTEMS
A DIVISION OF ARS NATIONAL SERVICES, INC.
P.O. BOX 469046
ESCONDIDO, CA 92046-9046
(866) 274-3043 FAX: (866) 422-0765
www.PayARS.com

7259 - 6748

JOANNE GRAFF
210 EL CARMELO AVE
PALO ALTO CA 94306-2377

Re: Direct Merchants Bank
Purchased By: WORLD WIDE ASSET PURCHASING LLC
Account: 5458001658471978
ARS Acct No: 11646034
Balance: \$2610.48

Take advantage of your tax refund and pay off your debt once and for all!

Your Direct Merchants Bank account has been purchased by WORLD WIDE ASSET PURCHASING LLC who has retained Associated Recovery Systems to collect your past due account. Your current balance due is \$2610.48. We are committed to helping you resolve this debt once and for all. Contact us immediately so we can stop further collection efforts and interest that will continue to accrue on your account until we hear from you. We look forward to assisting you.

"Quick Check" by phone, call us at (866) 274-3043,
Western Union "Quick Collect" (Code City: Lola, CA),
MoneyGram "Express Payment" (Receive Code: 4700),
Pay with MasterCard, Visa, or Discover at www.PayMyBill.com, User Id: 0816439 and Password: 111646034,
Or Make your payment online at www.PayARS.com.

Please contact this office at (866) 274-3043. Our office hours are Monday through Friday, 6:30 a.m. - 8:00 p.m. (Mountain Time).

Sincerely,

Thurnell Howell
Account Representative



THIS COMMUNICATION IS FROM A DEBT COLLECTOR. THIS IS AN ATTEMPT TO COLLECT A DEBT. ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.

(SEE REVERSE SIDE FOR IMPORTANT INFORMATION)

-Detach And Return With Payment-

SFGFSH - 11646034
Account: 5458001658471978

Amount Enclosed: \$

Enclosing this coupon with your payment will expedite credit to your account.

NOTICE OF ELECTRONIC CHECK PROCESSING:

We reserve the right to process checks electronically by transmitting the routing, account, and check number to the bank. By submitting a check, you authorize us to initiate an electronic debit from your account. A returned check may be collected electronically if it is returned for insufficient funds.

**Print address/phone changes below
or call (866) 274-3043.**

HOME:()

WORK: ()

Make your check or money order payable to:

[illegible]

IF YOU LIVE IN CALIFORNIA THIS APPLIES TO YOU

The state Rosenthal Fair Debt Collection Practices Act and the federal Fair Debt Collection Practices Act require that, except under unusual circumstances, collectors may not contact you before 8 a.m. or after 9 p.m. They may not harass you by using threats of violence or arrest or by using obscene language. Collectors may not use false or misleading statements or call you at work if they know or have reason to know that you may not receive personal calls at work. For the most part, collectors may not tell another person, other than your attorney or spouse, about your debt. Collectors may contact another person to confirm your location or enforce a judgment. For more information about debt collection activities, you may contact the Federal Trade Commission at 1-877-FTC-HELP or www.ftc.gov.

IF YOU LIVE IN COLORADO THIS APPLIES TO YOU

FOR INFORMATION ABOUT THE COLORADO FAIR DEBT COLLECTION PRACTICES ACT, SEE WWW.AGO.STATE.CO.US/CADC/CADCMAIN.CFM

IF YOU LIVE IN MASSACHUSETTS THIS APPLIES TO YOU

Massachusetts address: 411 Waverly Oaks Road, Waltham, MA 02454

NOTICE OF IMPORTANT RIGHTS: YOU HAVE THE RIGHT TO MAKE A WRITTEN OR ORAL REQUEST THAT TELEPHONE CALLS REGARDING YOUR DEBT NOT BE MADE TO YOU AT YOUR PLACE OF EMPLOYMENT. ANY SUCH ORAL REQUEST WILL BE VALID FOR ONLY TEN DAYS UNLESS YOU PROVIDE WRITTEN CONFIRMATION OF THE REQUEST POSTMARKED OR DELIVERED WITHIN SEVEN DAYS OF SUCH REQUEST. YOU MAY TERMINATE THIS REQUEST BY WRITING TO THE DEBT COLLECTION AGENCY.

IF YOU LIVE IN MINNESOTA THIS APPLIES TO YOU

THIS COLLECTION AGENCY IS LICENSED BY THE MINNESOTA DEPARTMENT OF COMMERCE.

IF YOU LIVE IN NEW YORK THIS APPLIES TO YOU

New York City Department of Consumer Affairs License number 1020790

IF YOU LIVE IN TENNESSEE THIS APPLIES TO YOU

This collection agency is licensed by the Collection Service Board of the Department of Commerce and Insurance. [500 James Robertson Parkway, Nashville Tennessee 37243]

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Department # 5996
P.O. Box 1259
Oaks, PA 19456



7256 - 6748

JOANNE GRAFF
210 EL CARMELO AVE
PALO ALTO CA 94306-2377

FIRST-CLASS

